

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14848 of Steven L. McClain, as amended, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a nonconforming structure that now exceeds the allowable percentage of lot occupancy requirements [Paragraph 2001.3(a), (b), and (c)], a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the floor area ratio requirements (Sub-section 402.4) for the proposed construction of a deck addition in an R-5-B District at premises 1833 and 1835 - 19th Street, N.W., (Square 132, Lots 202 and 203).

HEARING DATES: July 27, 1988 and July 19, 1989
DECISION DATES: October 5, 1988 and July 28, 1989

ORDER

1. On October 5, 1988, the Board denied the application. The final date of the order was May 5, 1989. The applicant filed a timely motion for reconsideration and rehearing based on a revised plan. At its public meeting on June 7, 1989, the Board considered the applicant's request and reopened the record to receive a memorandum from the Zoning Administrator regarding the revised plans. On June 28, 1989, the Board set the application for further hearing on July 19, 1989, limited to the revised plans and the Zoning Administrator's memorandum, both marked as Exhibit No. 42 of the record.

2. The Zoning Administrator's memorandum dated July 7, 1989, found that the revised plans proposed a deck addition and required variance relief from: Paragraphs 2001.3(a) (b) and (c), to allow an addition to an existing nonconforming structure that exceeds the allowable lot occupancy; Sub-section 403.2, the allowable lot occupancy requirement; Sub-section 404.1, the minimum rear yard requirement; and; Sub-section 402.4, the floor area ratio limitation.

3. The revised plans required one less variance than the original application by eliminating the variance from the closed court width and area requirements under Sub-section 406.1.

4. The proposed revised plans and the relief determined

by the Zoning Administrator's memorandum of July 7, 1989 were the subject of the further public hearing with notice to the original parties.

5. Two neighbors residing at 1830 T Street, N.W. who were in opposition to the original proposal, were in support of the revised plans.

6. Advisory Neighborhood Commission (ANC) 2B, by letter dated May 10, 1989, recommended approval of the revised plans.

7. Other parties in support of the original plan, continued their support of the revised plans.


8. Upon consideration of the motion, the new evidence of record, and its final order, the Board concludes that the applicant has met its burden based upon the revised plans. Accordingly, it is hereby ORDERED that the application as revised is GRANTED.

DECISION DATE: July 28, 1989

VOTE: 4-1 (Charles R. Norris, Carrie L. Thornhill and Paula L. Jewell to grant; Lindsley Williams to grant by proxy; William F. McIntosh opposed to the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

OCT 23 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14848order/LJP54

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14848

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated OCT 23 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Clarene Martin, Chairperson
Advisory Neighborhood Commission 2-C
Garrison Elementary School
1200 S Street, N.W., Suite 202
Washington, D. C. 20009

Steven L. McClain
1835 19th Street, N.W.
D.C. 20009

Dudley Conada
1710 19th Street, N.W.
D.C. 20009

Jack Brady
1830 T Street, N.W.
D.C. 20009

Walter Ramberg
1830 T Street, N.W.
D.C. 20009

A handwritten signature in dark ink, appearing to be "ELC", written over a horizontal line.

EDWARD L. CURRY
Executive Director

OCT 23 1989
DATE: _____